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PP RUEHLMC RUEHMR RUEHPA RUEHPB  
DE RUEHDT #0124/01 0861032

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FM AMEMBASSY DILI

TO RUEHC/SECSTATE WASHDC PRIORITY 3404

INFO RUCNARF/ASEAN REGIONAL FORUM COLLECTIVE

RUCNDT/USMISSION USUN NEW YORK 0891

RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC

RHHMUNA/HQ USPACOM HONOLULU HI

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C O N F I D E N T I A L SECTION 01 OF 02 DILI 000124

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USUN FOR RICHARD MCCURRY

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E.O. 12958: DECL: 3/27/2017

TAGS: [PGOV](#) [KDEM](#) [UN](#) [TT](#)

SUBJECT: PRESIDENT SIGNS ELECTION LAW AMENDMENT, BUT TIME RUNNING OUT

REF: A) DILI 115, B) DILI 121

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CLASSIFIED BY: Elizabeth S. Wharton, Political / Economic Officer, U.S. Embassy, Dili, East Timor, Department of State.

REASON: 1.4 (b), (d)

¶1. (SBU) Summary: President Xanana Gusmao March 26 signed into law the controversial election law amendment, paving the way for ballot printing to start later this week. The amendment addressed several key legislative problems identified by the UN Election Certification Team (UNECT) and had threatened to bog down the process with an unrelated provision allowing the inclusion of party symbols on the ballot which Gusmao opposed. However, following a decision by the Court of Appeals that the inclusion of the provision in the amendment did not violate the constitution, Gusmao agreed to promulgate it. The controversy has nonetheless delayed the start of ballot printing and a variety of election observers have expressed concerns that any further snags, such as mechanical problems with the printers, could mean that the State Technical Election Administration (STAE) would be unable to meet its own deadlines for transporting election supplies and the ballots to East Timor's 525 polling centers. Now that symbols will be allowed on the ballot, speculation is rife regarding what effect this will have on the election outcome. Ruling Fretilin party candidate Francisco "Lu'olo" Guterres is widely regarded to be the chief beneficiary, but the move could also benefit other candidates, throwing an additional variable into a difficult to predict race. End summary.

¶2. (SBU) President Xanana Gusmao on March 26 signed into law a controversial election law amendment, despite his initial objection to it, paving the way for ballot printing to start later this week. Gusmao, who had asked the East Timorese Court of Appeals to rule on the constitutionality of the last-minute election law amendment, was forced to act when that court announced that the provision on symbols did not violate the constitution, noting that it was a political matter. The election law amendment addressed three important concerns of

UNECT, but had attached a provision allowing presidential candidates to use a symbol next to their name. It was this last provision which sparked controversy; five of the eight candidates initially threatened to boycott the election, likely due to the perception that this would give the ruling Fretilin party's candidate, Francisco "Lu'olo" Guterres, an unfair advantage. (Note: Lu'olo is considered a weak candidate, but the Fretilin logo is still considered to be a powerful symbol of the independence struggle. Moreover, the Fretilin party logo closely resembles the East Timorese national flag. End Note.) Moreover, because the independent National Election Commission (CNE) March 17 had ruled that the law did not allow the use of symbols, noting that the president is enshrined in the constitution as a non-partisan national unity figure, this provision was seen as an end-run around the CNE's ruling. UNECT also recognized this last-minute provision as a problem, on March 22 describing it as "a provocative act" that threatened to delay the election, and was "currently the issue most likely to derail the certification process."

¶3. (C) A variety of UN contacts say that the last-minute addition of a new element to the ballots poses a significant logistical hurdle, since the uncertainty of whether or not Gusmao would sign the bill into law forced the STAE to hold off on printing ballots. UN Special Representative of the Secretary General Atul Khare initially told CDA that March 26 would be the last possible day to start printing, but STAE chief Tomas Cabral now says that printing will start on March 29 - 12 days before the scheduled election - and that he expects all printing to be done on time. Steve Wagenseil, the UN's chief election official, informed CDA on March 23 that it would take seven days to print an estimated 600 thousand ballots and that the UN needed five days to deliver the ballots to 525 polling centers, 40 of which are only accessible by foot and 40 of which are accessible by helicopter. He estimated that 75,000 voters would vote at centers inaccessible by road and described the revised printing schedule as "possible but extremely tight". If the UN's deadlines are accurate, then any delays in printing could mean that some polling centers would not receive ballots in time. The UNDP's William Clive told us on March 22 that STAE was dependent on a single printer that would run 24 hours a day. A second

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printer was expected to arrive this week from Indonesia; it is unclear if it has in fact arrived. Wagenseil told us that the only way elections could legally be delayed would be if the president declared a State of Emergency. When asked if it would be possible to print the ballots elsewhere and fly them into East Timor, he said that Minister for State Administration Ana Pessoa had ruled this out, suggesting that STAE and the UN could be in a major bind if the printers temporarily breakdown or fail entirely.

¶4. (SBU) With the confirmation that symbols will be allowed on the ballot, speculation is now underway regarding what effect this will have on the election outcome. Symbols and flags are tremendously important in East Timor. In a country where over 50 percent of the population is functionally illiterate, symbols could serve as an important guide in electoral choices, probably more widely recognized than photos of the candidates. The inclusion of symbols is widely regarded as benefiting ruling Fretilin party candidate Francisco "Lu'olo" Guterres, mitigating his relative weakness as an individual candidate by unequivocally labeling him as the Fretilin choice. Despite the apparent erosion of Fretilin popularity, the party still benefits from historical inertia as the party of the struggle for independence. However, it is possible that the symbols could also benefit other candidates. Democratic Party (PD) candidate Fernando "La Sama" Araujo in particular may stand to benefit if he chooses to use the party symbol. He lacks the national standing to gain support beyond PD, but his party has a strong grassroots network, especially in western districts that will likely respond positively to the party symbol. It remains unclear how symbols could impact the turnout for Jose Ramos-Horta, who is running as an independent and plans to use the national flag as his symbol. Since several other candidates

could also use the national flag, such a choice would not help distinguish him. However, it could also water down the effectiveness of the Frettilin symbol as voters may not readily distinguish between the two.

¶5. (SBU) Comment: All of our election advisor contacts bemoaned the last-minute controversy and the GOET's failure to ensure that issues like this were resolved well in advance of the election, but are working hard to ensure that the election goes off as scheduled. Gusmao's signing of the amendment is clearly a victory for Frettilin, but it is unclear how it will affect the vote; Emboffs witnessed a mediocre turnout for a Frettilin campaign rally in Ermera District on March 26, and many of the attendees appeared to have been lured more by promises of food and water than by any allegiance to the ruling party. End comment.

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